

Attorney Docket No. 018775-823

Patent *A*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Tsutomu Yamazaki

Application No.: 09/820,640

Filing Date: March 30, 2001

Title: IMAGE PROCESSOR

Group Art Unit: 2621

Examiner: TOM Y LU

Confirmation No.: 3564

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee per
Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are _____

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the
☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered.
Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted _____

on _____
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least _____,
which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R.
§ 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also
enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	8	MINUS 20 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	3	MINUS 3 =	0	x \$88.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$300.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

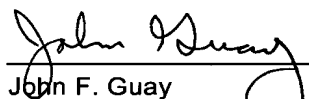
Respectfully submitted,

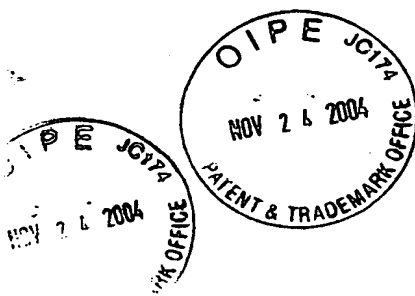
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
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(703) 836-6620

Date: November 24, 2004

By


John F. Guay
Registration No. 47,248



Patent
Attorney's Docket No. 018775-823

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Mail Stop AF
Tsutomu YAMAZAKI)	
Application No.: 09/820,640)	Group Art Unit: 2621
Filed: March 30, 2001)	Examiner: Tom Y. Lu
For: IMAGE PROCESSOR)	Confirmation No.: 3564

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed August 24, 2004, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims. Claims 1, 2 and 4-9 currently are pending.

Before proceeding with an analysis of the rejections, it should be noted that the Office has not yet acknowledged Applicant's claim for priority and receipt of the certified copy of the priority document. (See Applicant's first request on page 4, lines 5-8 of the June 23, 2004 Amendment.) Applicant again respectfully requests the Examiner to acknowledge the Claim for Convention Priority and receipt of the certified copy of the priority document.

Additionally, the finality of the most recent Office Action is believed premature because the Action includes a new rejection of independent claim 1 under 35 U.S.C. § 112, second paragraph, which is not predicated on any amendment made to the claim. Specifically, claim 1 was amended in the previous Action to include all the features of dependent claim 3. Because the present rejection under Section 112 was not made in the prior Office Action with respect to claim 3, and the subject matter of pending independent claim 1 was considered at that time, the present

rejection was not necessitated by any amendment to this claim. Accordingly, the finality of the Office Action should be vacated.

Turning now to the merits of the rejections, section 7 on page 4 of the Office Action includes a rejection of claims 1-9 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. This rejection is respectfully traversed.

In the statements of the rejection, the Examiner points to his explanation given in Section 6 of the Action, which states "the functionality of the second converter with regard to what format of 'the bit map data of pixels in the input but map image data' is converted to is still unclear despite of explanation submitted in the Remarks dated June 23, 2004." (See page 3, lines 2-4.) The Examiner goes on to allege that the claim language of the second converter is "essentially meaningless" and that conversion performed is "useless" because the bit map data format of the image is remained unchanged. (See, page 3, lines 10-15.) It appears that these and other statements by the Examiner in Section 6 are based on an interpretation that the claimed second converter is operative to convert a bit map data format. However, it is respectfully submitted that one of ordinary skill in the art, having read the specification and the claims, would not have reasonably construed the meaning of the independent claims as set forth on page 3 of the Office Action.

As instructed in MPEP § 2173.02, claims are not to be analyzed in a vacuum. Rather, claims are to be interpreted in light of the disclosure and the claim interpretation that would be given by one of ordinary skill in the art at the time the invention was made. For example, as explained on page 5 of Applicant's response of June 23, 2004, which remarks are incorporated herein by reference, pages 8 and 9 of the specification describe Figure 10 as showing data after a conversion and Figure 5 as showing data before the conversion. As explained therein, the second converter recited in claim 1 operates to perform conversion in a line image region (e.g., a vertical area of a width of five pixels in the examples shown in Figures 5 and 8) according to a side where each pixel in the pixels (i.e., the pixels in the input bit map image) exists relative to the vector data (i.e., the line image defined by the vector data) and according to the bit map data of pixels around the pixel. Figure 10 shows an exemplary result of such conversion. In this example, pixels in the left

side are converted according to data of the peripheral pixels of that side, while pixels in the right side are converted to different pixel data.

More particularly, Figure 5 shows bit map data having a straight line (i.e., a line image) and the two sides thereof having colors of background (in correspondence to hatching portion in the left side and white portion in the right side in Figure 5). (See, page 7, lines 11-13.) As shown in the enlarged view, the left side of the straight line includes pixels displayed with hatching and pixels shown as white. Therefore, the boundary line is mixed with different background colors, and the boundary of colors around the straight line is not clear. In the present invention, after the straight line is extracted as vector data, bit map data in the background area around the vector data is converted according to the pixels around the vector image. (See, page 9, lines 5-15.) The result is shown in Figure 10.

Applicant respectfully submits that one of ordinary skill in the art would comprehend these aspects of the invention, which are broadly encompassed in the independent claims. To this end, one of ordinary skill would thus understand a reasonable meaning to ascribe to the claim language: "converts of bit map data of pixels ... according to a side where a pixel in the bitmap pixels exists relative to the line image region ... and according to the bit map data of pixels around the line image region," with respect to a value that a pixel would have after such conversion. Moreover, it is respectfully submitted that one of ordinary skill would not consider these features "meaningless" or "useless" because the conversion of bit map data of pixels according to the pixel location about a line image region and bit map data of pixels around the line image region, as claimed and described in the disclosure, facilitates prevention of blurring from color shift and mismatching between a line and the background.

In view of the forgoing, it is respectfully submitted that the language concerning the "second converter" recited in claim 1, and that the language of claims 8 and 9 regarding steps of "converting bit map data," particularly point out and distinctly define, within the meaning of 35 U.S.C. 112, second paragraph, the metes and bounds of subject matter sought for protection. As such, the rejection of claims 1, 8 and 9, and hence also of dependent claims 2 and 4-7, should be withdrawn.

The Office Action also maintained the rejection of claims 1, 2 and 4-9 under 35 U.S.C. § 102(b) as allegedly being anticipated by Hiroyuki et al. The Action states that the arguments presented by Applicant in the response filed June 23, 2004 were not considered to be persuasive because the conversion performed by the second converter is allegedly "useless" since the bit map data format of the image is remained unchanged, and that "such functionality of having data format unchanged is included in Hiroyuki's thinning process and approximation function as described in paragraphs [0033] and [0039], respectively." (See, page 3, lines 14-17.) As pointed out above, however, conversion of bit map data as set forth in independent claims 1, 8 and 9 is not "useless" as the Examiner purports it to be. For instance, converting bit map data in the input bit map image data around a line image of a line image region "according to a side where a pixel in the bitmap pixels exists relative to the line image region ... and according to the bit map data of pixels around the line image region" addresses problems of blurred image that can occur as a result of insufficient precision of the image position. Applicant's solutions to these problems are described throughout the disclosure and explained in detail above. It is respectfully submitted that the Examiner's mischaracterization of these claimed features unreasonably twists their meaning into something they are not, especially when considering the claimed features in light of the specification.

Furthermore, the description in Hiroyuki et al. of a "thinning process" in paragraph 0033, and the "approximation function" mentioned in paragraph 0039, do not describe the claimed "second converter" of claim 1 and steps of "converting bit map data of pixels" recited in claims 8 and 9. To the contrary, the narrowing of a line is not described in Hiroyuki et al. It also is not described in the cited parts of Hiroyuki et al. that an area around a line image is converted based on the pixels around the line image, as claimed. Additionally, the paragraph 0058 and Figure 11 of Hiroyuki et al. referred to by the Examiner also do not describe these claimed features. In contrast, the relied upon parts from Hiroyuki et al. involve a user specifying a field in which "no changing is performed." That is, the bit map data remains the same.

As instructed by MPEP 2131 and the caselaw cited therein, anticipation of a claim by a reference requires that a reference describe every element of the claim. For at least the above reasons, it is respectfully submitted that the Hiroyuki et al. document fails to describe the combinations of all features recited in each of independent claims 1, 8 and 9. Hence, the Hiroyuki et al. document cannot anticipate these claims. Accordingly, claims 1, 8 and 9 are allowable.

Claims 2 and 4-7 depend from independent claim 1 and recite additional advantageous features that further distinguish over the Hiroyuki et al. publication. As such, all pending claims are considered allowable.

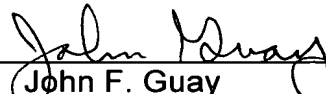
From the foregoing, Applicant respectfully submits that the present application is in condition for allowance. Prompt notification of the same is earnestly solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 24, 2004

By: _____


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